

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner seems to reject claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 2001070226 to Ogawa et al., (hereinafter “Ogawa”). However, upon closer inspection, it appears that the Examiner has meant to reject claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of U.S. Patent No. 6,251,345 to Palmers (hereinafter “Palmers”). Applicant’s response is based on such understanding.

In response, Applicants respectfully traverse the Examiner’s rejection under 35 U.S.C. § 103(a) for at least the reasons set forth below.

In response to the previous Official Action, claim 1 was amended to recite a control unit that is **configured to** control the autoclave to carry out the recited functional steps.

The Examiner now seems to argue that Ogawa discloses some of the features of the claims, while Palmers discloses the limitations of the control unit carrying out the autoclaving and various pressurization processes. Applicant respectfully disagrees.

Applicant respectfully submits that Ogawa merely teaches, in paragraph [0007] thereof, a pre-vacuum process, a subsequent sterilization process by high-pressure high-temperature steam, and a desiccation process that re-performs depressurization to desiccate the endoscope succeeding the sterilization process, and in paragraph [0009] that the pressure in the sterilization room during the pre-vacuum process and desiccation process is in the order of -0.07 MPa with respect to the atmospheric pressure.

Palmers only discloses an autoclave for sterilizing medial instruments and a control section for controlling the autoclave.

The Examiner argues that Ogawa discloses:

a medical equipment autoclaving system comprising a communication vent through which the inside of medical instrument and the outside thereof communicate with each other, a pressure adjusting means that includes a check valve which opens only when the pressure in the inside of the medical equipment which communicates with the outside thereof through the communication vent gets higher than the pressure in the outside thereof by a certain value or more; and an autoclave that sterilizes the medical instrument wherein the autoclave is capable of executing the following process (citing paragraphs [0034]-[0059]):

a first depressurization process including a step of depressurizing the inside of a chamber included in the autoclave;

an autoclaving process which succeeds the first depressurization process and in which the chamber is pressurized; and

a second depressurization process succeeding the autoclaving process and including a step of depressurizing the chamber, wherein:

the second depressurization process includes a plurality of depressurization, the pressure of at least one of which being lower than that of any other of the plurality of depressurization processes performed before it.

However, Ogawa neither discloses nor suggests that the second depressurization process includes a plurality of depressurization processes, the pressure of at least one of which being lower than that of any other of the plurality of depressurization processes performed before it.

Furthermore, Palmers is only cited as disclosing a control unit capable of controlling the vacuum and autoclaving processes.

Thus, Palmers also does not disclose or suggest that the second depressurization process includes a plurality of pressurization processes, the pressure of at least one of which being lower than that of any other plurality of depressurization processes performed before it.

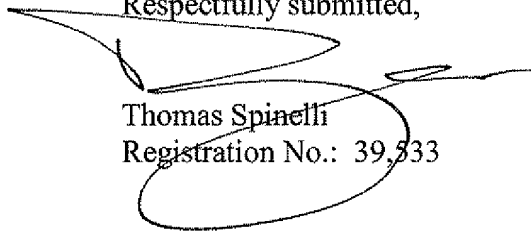
It appears that the Examiner only cites Palmers as disclosing a control unit (micro processor 25) that is “**capable**” of controlling the vacuum and autoclaving processes recited in claim 1. Thus, Palmers does not expressly teach the vacuum and autoclaving processes as recited in claim 1.

Since claim 1 now positively recites a control unit that is **configured to** carry out the above step, such a feature must be expressly shown in the reference or the claim allowed. That is, a reference merely teaching a controller that is “capable” of performing the feature is irrelevant when such a feature is positively recited in the claim, as is the controller configuration recited in claim 1.

With regard to the rejection of claims 1-5 under 35 U.S.C. § 103(a), independent claim 1 is not rendered obvious by the cited references because neither the Ogawa patent nor the Palmers patent, whether taken alone or in combination, teach or suggest a medical equipment autoclaving system having the features discussed above and recited in independent claims 1. Accordingly, claim 1 patentably distinguishes over the prior art and is allowable. Claims 2-5 being dependent upon claim 1, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-5 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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